

1

VERSION WITH MARKINGS TO SHOW CHANGES MADE

2

## IN THE CLAIMS-

4

The claims are 6-10.

5

Cancel claim 6 and replace with new claim 11.

6

Cancel claim 8 and replace with new claim 13.

7

Add new claim 12.

8

Amend Claim 9 as follows,

9. The zone of protection of claim [8] 13 wherein the fibreglass sheets are [a] in the combination of Levels 1 and 2 and the Level 2 [sheets] sheet(s) are placed [toward the interior] interiorly of the level 1 sheet(s) in the zone of protection wall.

12

Amend claim 10 as follows,

13. 10. The zone of protection of claim [8] 13 wherein UL listed sheets of Levels 1, 2, and 3 are employed in the construction of the protection zone[.] wall with the Level 3 sheets being innermost.

16

Please cancel claim 6 and replace with claim 11,

17

11. A ballistic resistant zone of protection wall having a resistant level of any of UL Levels 4, 5, and 8, consisting of a plurality of rows of laterally adjacent abutted sheets of UL listed ballistic fibreglass, each of which sheets of fibreglass has a UL listing of any of UL Level 1, Level 2, and Level 3, wherein the laterally abutted sheets of fibreglass from any one row are laterally spaced from the abutments of the sheets of the next forward or next rearward row of latterly adjacent abutted fibreglass sheets:

23

said rows sheets being fastened together solely by fasteners passing through all of the rows of the plurality of rows of ballistic fibreglass.

25

Please add new claim 12,

26

12. The ballistic zone of protection wall of claim 11 further including drywall on at least one side of the ballistic zone of protection wall.

28

Cancel claim 8 and replace with claim 13,

29

13. A ballistic resistant zone of protection wall having a resistant level of any of UL Levels 4, 5, and 8, consisting of a plurality of rows of laterally adjacent abutted sheets of UL listed ballistic fibreglass, each of which sheets of fibreglass has a UL listing of any of UL Level 1, Level 2, and Level 3, wherein the laterally abutted sheets of fibreglass from any one row are laterally spaced from the abutments of the sheets of the next forward or next rearward row of

1        latterly adjacent abutted fibreglass sheets;  
2            said rows of sheets being fastened togther solely by fastcnrs passing through all of the  
3        rows of the plurality of rows of ballistic fibreglass;  
4            said rows sheets being fastened togther solely by fasteners passing through all  
5        of the rows of the plurality of rows of ballistic fibreglass,  
6            and wherein the rows of fibreglass are formed of sheets having at least any two of the  
7        three levels of UL level 1, 2, and 3 ballistic protection,  
8            and wherein the highest level of protection sheet(s) are disposed as the innermost levcl(s)  
9        of each row of sheets of fibrcglass forming the protection zone.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

REMARKS

The courtesy of the interview with S.P.E. Pyon is acknowledged with appreciation. Applicant's counsel attempted to point out the believed unfamiliarity of the Junior Examiner Ms. Rhee with the contents of the prior art Klein reference, and the false assumption she was making as well as her erroneous reading of Figure 2 of this application. Unfortunately, time did not permit a completion of the thought processes of counsel.

Mr. Pyon brought up the word "*abutting*" and discussed to use in the claims of this case. In order to make sure all parties fully comprehended the meaning of the term, the Random House Unabridged Dictionary 2<sup>nd</sup> Edition was consulted. It was found that abutting means to be adjacent..., to touch, or to join at edge. The word "*contiguous*" means touching, in contact with in close proximity to without actual touching.

In order to properly respond to this cursory final rejection based merely upon a repetition of the previous rejections, counsel will review both the previous office action and the previous response in detail and comment accordingly.

First, let us look at the previous office action since the final rejection was quite perfunctory. In order to simplify the response and to make the understanding of the issues easier to grasp, counsel has prepared a table that contrasts certain features of applicant's products to those of Klein, and to those of Klein as they may be modified by one of ordinary skill in the art. It is believed that the table will bring home the at least eight differences between the products of this application and those of the Klein reference.

The table is believed to be sufficient enough that further discussion of it is not required, therefore, subsequent to the table there will be set forth an analysis of the previous rejection in a paragraph by paragraph basis to show the Examiner the error of her ways.

Of course, the Examiner must review the current claims as the modifications incorporated therein address some of the concerns raised by SPE Pyon.

TABLE I

1.	Feature Offset	Applicant's Latterly Only	Klein patent horizontally & vertically Col. 3 Line 4
2.	Segment retention to form panel	No tape used	tape full width of panel 16 or 18 Col. 1 Line 6

1	3.	Material used for panels	only fibreglass	plastic such as polycarbonate or metal Col. 2 Line 14
2	4.	inter panel retention	no adhesive only air between any 2	adhesive Col. 4 Lines 4-7
5	5.	ballistic basis	only from fibreglass	Kevlar Col. 4 Lines 22-23
7	6.	Position of layers	all parallel at all times	parallel upon projectile impact
9	7.	Layer attachment	screw through all offset layers	no through attachment
11	8.	non-analogous art	wall manufacture	protective garments

Reference is made to Page 3 Paragraph 2 of the last office action. Now, counsel had previously argued that the Klein reference never discussed the use of fibreglass panels to which the Examiner responded, "*well fibreglass is old anyway per your statement of prior art.*" Counsel's comment is that the probably should have amplified the comments further to distinctly point out the concept of non-analogous art. Of course, fibreglass panels are old. But it was applicant who first came up with the idea staggering the panels in one direction to achieve an unanticipated result. That result is an increased level of protection.

The Examiner has cited Klein as a reference to show that staggering is old. It is the Examiner who seems to be either staggering or stabbing at something to try to find a reference. She could have shown the staggering of bricks in wall is also a known example of staggering, but the staggering done by applicants is the believed first time this has been done in this art which is the art of construction of ballistic resistant walls. To further point out non-analogous art of Klein, which reference pertains to the construction of a bullet resistant vest, and the only ballistic resistant material used is the KEVLAR fabric. Polycarbonate and aluminum used either or both in layers joined together in Klein are not bullet resistant materials. So the only point of validity in Klein is that he shows staggering and nothing more, and his staggering is different as he has an offset in two directions, see Figure 2, while applicants only staggers in one direction. The material is different, the orientation is different and the end products are different. Klein is not a valid reference.

Let us go on. Turning now to the previous office action at Page 3 Paragraph 3 regarding

1 the response by the Examiner to counsel's argument concerning the purpose of staggering, in  
2 essence the Examiner says that the proposed argument holds no water if the prior art apparatus  
3 satisfies the claimed structural limitations. This begs the question, reference is made to Page 2  
4 Paragraph 1 of counsel's argument, and to the Table above. The two structures are not the same.  
5 The current claims as amended further point out the dissimilarity of the two structures. Klein  
6 offset layers are glued together and applicants use no glue. Klein is intended to be hinged,  
7 applicant does not want or desire any hinging.

8 The Examiner has invited applicants to insert a use claim, and applicants have accepted  
9 her suggestion and have added a use claim.

10 Not to get off the track, the mere showing of Klein to have staggering layers of his metal  
11 and/or plastic does not Klein a good reference with respect to fibreglass. The limitations of the  
12 two structures are not the same as the Examiner asserted.

13 Prior to discussing the respond phase of the invention let us summarize the benefits  
14 obtained from the use of the staggered sheets of fibreglass in a wall environment. First, as shown  
15 in Figure 3 compared to Figure 2, the need for fibreglass batters is eliminated, yet the same level  
16 of protection using the sheet orientation of applicants using any layers of fibreglass, as was  
17 previously obtainable when these "any layers" of fibreglass were mounted to fibreglass battens.  
18 This is a significant savings in both cost of materials and labor. The second benefit is the creation  
19 of extra space in a room, since the walls need not be as thick due to the elimination of the batten  
20 layer for any given wall. These are unexpected results and should be rewarded with allowed  
21 patent claims.

22 \*\*\*\*

23 Now let us turn to the second part of applicants invention as addressed by the Examiner  
24 at Page 3 Paragraph 4 of previous office action. This second aspect pertains to the discovery that  
25 when lower levels of protection panels; namely, panels of level 1, level 2, and level 3, of  
26 fibreglass are placed in certain combinations, a higher level of protection can be obtained than  
27 anticipated. This is indeed significant, since panels of level 1, and 3 ballistic fibreglass can be  
28 handled by smaller work crews than higher level of protection panels, such as level 5, level 6,  
29 and level 7, panels. Such higher level panels can easily weigh between one-hundred pounds and  
30 several hundred pounds. They require large crews and special tools, such as forklifts when they  
31 are installed to create a ballistic safe room. Applicant previously argued, as the Examiner noted  
32 at Page 3 Paragraph 4 of the previous office action, that the prior art does not have the ability to  
33 achieve higher levels of U.L. ballistic protection from the sequential placement of lower level

1 1, 2, and 3, ballistic resistant fibreglass panels.

2 The Examiner indicated that the claims did not recite a sequential placement of the  
3 layers of fibreglass. Counsel respectfully submits that such was recited. But that notwithstanding,  
4 the instant claims have been amended to further simplify this concept. Once again,  
5 the Examiner misstates what applicant's prior art discloses. See Page 5 lines 1-3 of previous  
6 office action - not current. Applicant's prior art may show the existence of the use of lower level  
7 fibreglass panels, but the prior art did not recognize the enhanced level of protection from the  
8 selective judicious placement of panels of the highest level toward the interior of the room, i.e.,  
9 the interior of the ballistically protected zone.

10 The Examiner is urged to both review and comprehend the table set forth at Page 11 and  
11 12 and the accompanying discussion. The Examiner fails to comprehend the huge economic  
12 impact of the discovery that certain pluralities of sheets in various combinations of levels of  
13 protection can provide levels of protection significantly higher than what was believed obtainable  
14 prior to applicant's efforts. It is applicants who made the discovery that costs and time can be cut  
15 significantly by using readily available lower level panels of levels 1, 2, and 3, but yet achieve  
16 the higher safety and peace of mind formerly only associated with the use of very expensive  
17 higher level ballistic fibreglass sheets at higher economic cost.

18 Let us look at the last few lines of Page 3 of the previous office action. Counsel in his  
19 remarks had previously used the word "sequencing" to mean that something was done in a  
20 particular order, that is the highest level of protection of fibreglass is passed closest to the interior  
21 of the zone of protection. Yet the Examiner says that the applicant did not claim a sequential  
22 placement ... instead the applicant claims. If the highest level protection is always the innermost  
23 layer, is that not a sequence or order of activity? The claim says exactly what counsel has  
24 characterized it to say, but Examiner Rhee did not face the claim head on. Instead she puts forth  
25 a non sequitur if in that her comment at the top of Page 4 is lacking any basis in fact, and builds  
26 upon a wrongful characterization. She stated, "*since applicant's prior art discloses the same*  
27 *layers desired by applicant - it is inherent that that layers will achieve higher levels of UL*  
28 *ballistic protection.*" That is nonsense! Just because levels 1, 2, and 3 ballistic panels preexisted,  
29 which counsel does not deny, there is absolutely no basis for any inherent argument by the  
30 Examiner.

31 It was applicants who made the determination that certain combinations of layers or  
32 certain combinations of layers always with the highest level outwardly, provides a higher level  
33 of protection than would be anticipated by one of ordinary skill in this art. Basically, it is

1 applicants who came up with the sum of the thickness of the separate panels with lower level  
2 disposed outwardly that permits a high level equal to the thickness of a monolith of the single  
3 thickness equal to the sum of the lower level panels.

4 \*\*\*\*

5 Please see Table 2 at Page 12 and the discussion thereof. Note the specific example at  
6 Page 13 at lines 8-15 inclusive of the original specification.

7 Once again, the Examiner has mischaracterized a reference; namely, the patent of  
8 Dickson. At Page 5 of the previous office action she says, "*Dickson teaches that using two*  
*9 different levels of ballistic protection provides an improved ballistic laminate at a lower cost*  
10 (*col. 1 at lines 15-38*) *for the purpose of providing a higher level of protection.*" Counsel is of  
11 the belief that Examiner Rhee is quite gifted, as her indirect quotation of what Dickson teaches  
12 cannot be found. Perhaps, an error on her part? A reading of both the old claims and the current  
13 claims, even without the use of the word "*consisting*" cannot give rise to her conclusion. First,  
14 Dickson uses two different materials, each with different properties. Applicant only uses one  
15 thing, in different thicknesses. Note line 31 of column 1, which talks about practically the same  
16 results can be achieved, blah, blah, blah. No where does it say anything about higher levels of  
17 protection laminates. A laminate means a face to face joining as by gluing, such as plywood  
18 manufacture or Formica® counter tops. But applicants do not laminate, as if the screws are  
19 removed the layers are not joined. So the misreading is on two fronts. First, Dickson uses two  
20 difference materials, applicant does not. Dickson gets almost as good results using inferior  
21 products, but applicant gets better results when his panels are placed in a sequence that of multi  
22 levels of ballistic protection, the higher level is interiorly. And if a plurality of lower level of the  
23 same grade is used, the level of protection equals the sum of the thickness of all the physical  
24 layers for whatever that measurement is translated to level of protection monolithic structure.

25 It is further believed that while it is recognized that this is very detailed after final  
26 response, it is asserted that the courtesy of reopening the case to further prosecution be extended  
27 to applicants due to the Examiner's perfunctory final rejection without having a complete grasp  
28 in the nature of this two-part invention.

29 While it is believed that all claims are allowable, counsel is available for further  
30 amplification and modification if the Examiner's S.P.E. deems such is necessary to pass this case  
31 to issue.

32 The invention herein is a product being commercialized by applicants' sole business is  
33 to provide personal security protection zones as for banks, check cashing stores, and other

1 locations where worker's security is at risk.

2 Counsel can be reached in California at (916) 485-5000. Again the courtesy of the  
3 interview by telephone is acknowledged.

4

5

Respectfully submitted,

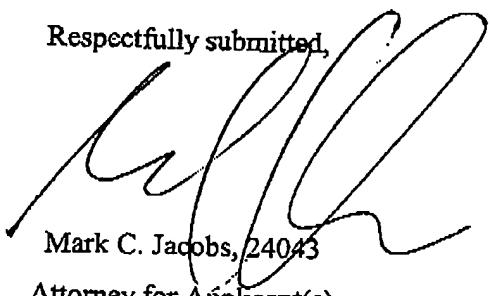
6

7

8

9

10

  
Mark C. Jacobs, 24043

11 Attorney for Applicant(s)

12 sactopat@aol.com

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34